



DEPARTMENT OF PERSONNEL
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
<http://dop.nv.gov>

MEMO PERD #20/06
April 18, 2006

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designee for Rules Distribution
Employee Representatives
Media Representatives

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the February 10, 2006, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on May 12, 2006.

JG:sq

Attachment

PERSONNEL COMMISSION MEETING

MINUTES OF FEBRUARY 10, 2006

(*Indicates agenda items that were voted on by the Personnel Commission.)

MEMO PERD #20/06

April 18, 2006

I. Call to Order

Chairman Enus called the meeting to order at 9:01 a.m., February 10, 2006, at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas, and via videoconference at the Legislative Building, Room 4100, 401 South Carson Street, Carson City.

Members present in Las Vegas: Chairman Claudette Enus and Commissioners David Sánchez, Katherine Fox and Jack Eastwick; and Director Jeanne Greene from the Department of Personnel.

Member present in Carson City: Commissioner David Read, Shelley Blotter, Chief of Technical Services, Department of Personnel, and Scott Wasserman, Deputy Attorney General, from the Attorney General's Office.

II. *Adoption of Agenda

Commissioner Read's motion to adopt the agenda was seconded by Commissioner Eastwick and unanimously carried.

III. *Adoption of Minutes of Previous Meeting

Commissioner Fox's motion to approve the minutes of the November 8, 2005, meeting as presented was seconded by Commissioner Eastwick and unanimously carried.

IV. *Conflicting Activities/Penalties

Nevada Commission on Ethics – Policy on Prohibited Activities

Stacy Woodbury, Executive Director, Nevada Commission on Ethics, explained their policy regarding prohibitive activities of staff. Ms. Woodbury explained that the Commission on Ethics is charged with enforcing NRS that deal with prohibitions against public officers and public employees using their position in government for personal or financial gain.

Ms. Woodbury stated the number of Commission employees has increased, and they wanted staff to have similar guidelines to the policy for members of the Ethics Commission. She explained that Item IV-B on the agenda, Policy on Public Information, was only for the Personnel Commission's information and they were not asking for approval of it.

There being no discussion, Commissioner Eastwick's motion to approve the policy as presented by Ms. Woodbury was seconded by Commissioner Read and unanimously carried.

V. *Pre-Employment Screening for Controlled Substances

Shelley Blotter, Chief of Technical Services, Department of Personnel, explained the majority of classes that were proposed to be added, were requested by Business Center North Personnel Services at the University of

Nevada, Reno (UNR). Many were either trade or semi-skilled classes that haven't been part of the pre-employment screening process. Ms. Blotter stated the Department had surveyed other agencies using trade or semi-skilled classes and those who responded are also included in the recommendation.

Additionally, Ms. Blotter explained the Department of Military had requested a new Military Security Officer series whose positions required pre-employment screening of controlled substances. The Commission was asked to approve the addition of these new positions to the screening list prior to the class specifications being established. This was due to the agency's immediate need to recruit and fill positions before the next Commission meeting could approve them for screening. The new class specification was almost finished and would be publicly posted and implemented through the Uncontested Classification Process per NRS 284.160.

Ms. Blotter stated the Biologist II and III classes were recommended for removal from the list of positions affecting public safety, as the positions no longer require P.O.S.T. certification.

Robin Freestone, Supervisory Personnel Analyst, Business Center North Personnel Services (BCN), introduced Greg Battaglia from the Facilities Services Operations Department on the UNR campus. Ms. Freestone stated that in addition to the skilled and semi-skilled positions, they wanted to add the Child Care Worker series as incumbents work in child care centers on and off campus, and the Family Support Worker series as those incumbents work in homes, community centers and child care areas. Both series are security and safety sensitive positions working with children and BCN felt it was important to screen them.

Ms. Freestone continued to say that BCN felt their skilled trades and semi-skilled positions were also safety sensitive as they work with a wide variety of motorized vehicles, tools and equipment, and they're security sensitive as a majority of incumbents are issued keys to clinics, laboratories and pharmacies throughout the campus.

Commissioner Eastwick asked Director Greene whether it would be a prohibitive expense to screen all State employees rather than approving positions piece meal.

Director Greene explained that current statute prohibits agencies from screening positions that don't affect public safety; however, the Department is proposing a change to the statute during the 2007 Legislature, which will require screening of all employees.

Commissioner Sánchez asked whether it was appropriate to add a class series that doesn't yet exist.

Scott Wasserman, Deputy Attorney General, explained it would be appropriate if the Commission wanted to include it with the other classes on the condition that it goes through the normal approval process. He explained that if there wasn't an objection to the Military Security Officer series being established, it could be addressed in the motion.

Miles Celio, Administrative Services Officer, Department of Military explained the funding on security was running out, but they had the money now through a cooperative agreement to support the new positions. The incumbents must be P.O.S.T. equivalently trained and will carry weapons.

There being no further discussion, Commissioner Read's motion to approve Item V-A as presented in the agenda, including the Military Security Officer series, was seconded by Commissioner Sánchez and unanimously carried.

Item V-B requested the removal of Biologist II and III positions from the list of pre-employment screening for all agencies using the classes. Chairman Enus asked whether the positions handled chemicals.

Mary Day, Supervisory Personnel Analyst, Technical Services Division, Department of Personnel, explained the positions work with game counts, habitat surveys, and fish hatcheries. Work is not performed in a laboratory.

There being no further discussion, Commissioner Fox's motion to approve the removal of the Biologist II and III classes as recommended was seconded by Commissioner Eastwick and unanimously carried.

VI. *Proposed Regulation Changes to Nevada Administrative Code, Chapter 284
Revised Regulations Proposed for Permanent Adoption

NEW Workers' Compensation Travel Leave

Tracy Walters, Personnel Analyst, Department of Personnel, explained the adopted regulation would go into effect on the date it was filed with the Office of the Secretary of State.

Ms. Walters explained the new section was proposed by the Department to implement AB58 of the 2005 Legislature which grants employees paid leave under certain circumstances when traveling to workers' compensation doctor appointments more than 50 miles from their work location.

There being no discussion, Commissioner Eastwick's motion to approve the new section was seconded by Commissioner Sánchez and unanimously carried.

VII. *Proposed Class Specifications

Mary Day, Supervisory Personnel Analyst, Department of Personnel, introduced the classification unit's new personnel analyst, Imran Hyman.

A. Chief Game Warden

Ms. Day explained the Department of Wildlife had requested a review of the Chief Game Warden class specification due to changes that had occurred since the occupational group study of 1997. At that time, the Chief Game Warden had programmatic responsibility on a statewide basis, but didn't actually manage or supervise Game Warden staff. Since the occupational group study, the Wildlife Division became a Department and they've reorganized and no longer manage programs through Regional Managers. The Chief Game Warden now manages and supervises all Game Warden staff, programs, and operations statewide. As a result, the Department recommended a two-grade increase to recognize the expanded responsibilities.

There being no discussion, Commissioner Fox's motion to approve the recommendation was seconded by Commissioner Read and unanimously carried.

B. DPS Colonel

Ms. Day explained the Department of Public Safety had requested a review of the Chief, Nevada Highway Patrol position. Since the position was reviewed in 1990, there have been numerous changes. The division has doubled in size, the budget more than doubled, and additional programs have been added to the Chief's position and scope of responsibility. To recognize these changes, the Department recommended the position

be moved into the DPS model that the Commission approved March 25, 2005. The title would be changed to DPS Colonel, grade 50, to align the position two grades above DPS Major.

There being no discussion, Commissioner Sánchez's motion to approve the recommendation was seconded by Commissioner Fox and unanimously carried

C. Biologist series

Imran Hyman, Personnel Analyst, Department of Personnel, explained the Department of Wildlife had asked the Department to remove the P.O.S.T. certification requirement from the Biologist class specification. This is no longer a requirement for any Biologist positions in the Department of Wildlife. The Departments of Conservation and Natural Resources and Agriculture concurred with the recommendation.

There being no discussion, Commissioner Fox's motion to approve the recommendation was seconded by Commissioner Read and unanimously carried.

D. Disability Adjudicator series

Imran Hyman explained the current minimum qualifications for Disability Adjudicator II and Disability Adjudicator III allow for an equivalent combination of education and experience to substitute for all desired Social Security disability claims adjudication experience. The Department of Employment, Training & Rehabilitation indicated that applicants without one year of the required experience should be hired at the Disability Adjudicator I level. As a result, it was recommended that the equivalency statements be revised to require one year of Social Security disability claims adjudication experience.

There being no discussion, Commissioner Eastwick's motion to approve the recommendation was seconded by Commissioner Fox and unanimously carried.

E. Unit Manager, Youth Parole Bureau

Brenda Harvey, Personnel Analyst, Department of Personnel, explained the requirement for certification by the Board of Examiners for Alcohol and Drug Abuse Counselors within 6 months of appointment had been removed from the class specification. The certification currently requires over 4,000 hours of training to obtain which renders completion within 6 months impossible. It is no longer a mandatory requirement of the position, and drug counseling services are now contracted out.

There being no discussion, Commissioner Fox's motion to approve the recommendation was seconded by Commissioner Sánchez and unanimously carried.

VIII. * Occupational Group Study Revised Class Specifications

Fiscal Management & Staff Services occupational group

A. Subgroup: Property Appraisal, Valuation & Acquisition

Tewolde Habtemicael, Personnel Analyst, Department of Personnel, explained the changes to the task statements and knowledge, skills and abilities of the classes listed in this subgroup were revised with the assistance of subject matter experts. The nature and complexity of work performed and the purpose of these positions has remained the same and updating the class specifications did not impact grade levels.

1. Chief, Division of Assessment Standards

The number of years of experience was reduced from six to five years based on the validation process.

There being no discussion, Commissioner Fox's motion to approve the recommendation was seconded by Commissioner Eastwick and unanimously carried.

2. Supervisor, Centrally Assessed Properties

The requirement for two years of supervisory experience was removed as it has prevented subordinate staff from qualifying and limited the applicant pool.

There being no discussion, Commissioner Eastwick's motion to approve the recommendation was seconded by Commissioner Sánchez and unanimously carried.

3. Supervisor, Locally Assessed Properties

The number of years of experience required was increased from three years to four years in order to be consistent with comparable classes at the same grade level in the Department of Taxation. The requirement for supervisory experience was removed as it prevented subordinate staff from qualifying and limited the applicant pool.

There being no discussion, Commissioner Fox's motion to approve the recommendation was seconded by Commissioner Eastwick and unanimously carried.

4. Property Appraiser series

The number of years of experience was reduced by one year at each level in order to be consistent with other classes within the Department of Taxation. In addition, the Property Appraiser II was designated as the journey level in the series, and the trainee level was recommended to be abolished as it is no longer used.

There being no discussion, Commissioner Read's motion to approve the recommendation was seconded by Commissioner Eastwick and unanimously carried.

5. Utility Valuation Analyst

A bachelor's degree in finance or economics was added as qualifying degree disciplines in order to expand the applicant pool.

There being no discussion, Commissioner Eastwick's motion to approve the recommendation was seconded by Commissioner Read and unanimously carried.

B. Subgroup: Administrative & Budget Analysis

Fatality File Analyst

Brenda Harvey, Personnel Analyst, Department of Personnel, explained the class was last revised in 1992, but very few changes were necessary. The task statements and knowledge, skills and abilities

were updated to reflect the current needs of the Department of Public Safety. The Special Notes and Requirements were expanded to reflect the requirement for a background investigation.

Commissioner Fox asked why the class was titled “analyst” when the task statements aren’t strong in terms of analytical duties being performed.

Ms. Harvey explained the task statements were basically unchanged, and the agency wanted to retain the title.

Commissioner Sánchez asked if the class title could be changed to remove reference to fatalities.

Ms. Harvey replied the title had not been an issue because the incumbent has to deal with fatalities. Ms. Day added that the position doesn’t function merely as a recorder of data, but there is a good deal of analysis required as to the circumstances of each accident within the State.

Commissioner Fox asked Ms. Day whether she thought, in her expertise of doing classification studies, the position was performing analytical functions.

Ms. Day agreed it was not the strongest analyst in the State but it was comparable to the Management Analyst series, which are at higher grade levels.

There being no further discussion, Commissioner Fox’s motion to approve the recommendation was seconded by Commissioner Eastwick and unanimously carried.

C. Obsolete Classes to be Abolished

Mary Day explained that through the occupational group study process, the following classes are no longer being used and were recommended for abolishment:

1. Housing Projects Manager
2. Audiovisual Media Center Supervisor
3. Video/TV Production Assistant

There being no discussion, Commissioner Eastwick’s motion to approve the recommendation was seconded by Commissioner Read and unanimously carried.

Chairman Enus stopped the meeting for a 5-minute break at 9:51 a.m. The meeting reconvened at 9:58 a.m.

IX. *Individual Classification Appeals

A. Bernard Schneider, Administrative Services Officer II
Lovelock Correctional Center, Department of Corrections

Bernard Schneider stated he was appealing the Department’s denial of his request for reallocation to an Administrative Services Officer III, grade 41. Mr. Schneider explained that a majority of his duties did not fit the class concept for Administrative Services Officer II. An Administrative Services Officer III reports to a department director or administrator of a large division, which has a complex and diverse program at

numerous locations. An Administrative Services Officer II reports to a facility director, such as a Warden. Mr. Schneider stated he reports to the Chief of Fiscal Services, Lori Bagwell, who administers the fiscal operations of all correctional centers, prisons, and conservation camps under the Department of Corrections.

Mr. Schneider stated he makes high level decisions independently for the purpose of establishing policy, procedure, setting priorities, developing new methods, compliance with laws and rules. He has responsibility for all decisions pertaining to fiscal management, food and laundry services, maintenance, fire safety, purchasing, inmate store, regional warehouse, and vehicle fleet. The impact of error would be lawsuit, over-expenditure, inmate riot, loss of life, limb and property.

Mr. Schneider stated the Department of Personnel didn't compare his position to others within the Department of Corrections, but compared it to Administrative Services Officer III's in the Departments of Conservation & Natural Resources, Health & Human Services, Taxation, and Information Technology. Mr. Schneider felt that none of these are comparable to his position, which works in a 24-7 lockdown environment with a dangerous inmate population.

Mr. Schneider explained that he's never been an Administrative Services Officer II and that the position was incorrectly classified when it was established. For fiscal management duties in 1990, the NPD-19 states the position researches, coordinates, prepares and submits for legislative consideration a biennial budget in the \$7 million range for rural camps, the Northern restitution center, and Reno correctional facility. In 1995, the title was changed from Institutional Business Manager II to Administrative Services Officer II using the same NPD-19 description as in 1990, with a different coversheet.

Mr. Schneider didn't feel the 1990 or 1995 classification studies were really conducted. He stated that he had never had responsibility for the camps, restitution center or correctional facility. In 2001, Mr. Schneider said he then became responsible for two conservation camps and his workload increased. Because it was the same type of work, he was told there wouldn't be an increase in pay. Mr. Schneider stated he had the support of former Director Jackie Crawford but was told to hold on and wait.

Mr. Schneider referred to a memorandum from Director Glen Whorton dated January 30, 2006, which says the reclassification request should consider all the Administrative Services Officer II's within the Department during the upcoming budget planning process. Mr. Schneider stated he didn't want to wait any longer, and hoped the Commission would grant his appeal.

Ron Foster, Personnel Analyst, Department of Personnel, explained two issues concerning Mr. Schneider's appeal beginning with the 2001 Legislature granting correctional custody positions a two-grade increase to address recruitment and retention problems. Almost 1,000 non-custody positions, like Mr. Schneider's, didn't receive the increase.

Mr. Foster explained the second issue dealt with significant change. The addition of the two conservation camps is only a modest impact to Mr. Schneider's position. The number of inmates his unit provides services to increased 17%, institutional staff increased 9%, and the budget increased 10%. The number of positions Mr. Schneider supervises was unchanged. The new responsibility didn't represent the preponderance of his total duties, didn't represent higher-level duties, and was previously performed by another Administrative Services Officer II.

Mr. Foster discussed a chart comparing six other Administrative Services Officer II positions that function as business managers for correctional facilities. The chart was ranked by size of budget and it clearly showed Mr. Schneider's position aligning within the middle of them.

Mr. Foster stated that granting Mr. Schneider's request for reallocation to Administrative Services Officer III would create serious inequities within the Department of Corrections and other State agencies.

Commissioner Sánchez asked Director Greene about two memorandums dated January 30, 2006, from Director Glen Whorton, with different content. One memo agrees with Mr. Schneider's statements that all Administrative Services Officer II's should be reviewed, and another memo acknowledges his performance and knowledge, but doesn't support his request. Why were there two different memos?

Director Jeanne Greene explained that Director Whorton submitted the first memo that acknowledges Mr. Schneider's contributions before he had subsequent discussions with his staff. Director Whorton asked the Department to replace the first memo with the second one, which asks that the allocations of all Administrative Services Officer II's in the Department of Corrections be reviewed during the upcoming budget process.

Commissioner Sánchez asked whether Director Whorton retracted his statement, "The Department of Corrections does not support this reclassification request."

Director Greene stated she didn't think Director Whorton supported the reallocation of the Lovelock position in isolation of the other Administrative Services Officer II's.

(NOTE: Director Whorton's second memo also stated the duties of Acting Warden had been permanently removed from Mr. Schneider's position.)

Commissioner Eastwick asked whether Mr. Schneider had seen the memos. Mr. Schneider nodded affirmatively. Commissioner Eastwick asked if Mr. Schneider wanted to comment on the comparison chart.

Mr. Schneider stated he wanted a decision to be made on the complexity of his duties alone, and he didn't want to wait another two years. He thought the other Administrative Services Officer II's would follow him and felt his department was concerned about it.

Mr. Foster responded to Commissioner Sánchez's question that no other correctional Administrative Services Officer II incumbents have submitted a reclassification request to his knowledge.

Chairman Enus addressed Mr. Schneider's comments that he's been patient and no longer wants to be a team player. The Personnel Commission has a very serious consideration relative to their authority. The basic issue was about compensation and they could not make a decision that will result in fiscal impact not supported by the agency.

Mr. Schneider stated he was confused. If his duties meet the concepts of Administrative Services Officer III, a mistake was made in the beginning. He expressed that he didn't have to wait for the Legislature to compensate him, as he already was performing at the Administrative Services Officer III level.

Commissioner Sánchez asked Mr. Foster if he believed Mr. Schneider was performing at the Administrative Services Officer III level.

Mr. Foster explained that all the correctional positions used to be Institutional Business Manager II's, grade 37. With the 1992 occupational group study, the positions were reallocated to Administrative Services Officer II, grade 39. They were analyzed and allocated with no one appealing the determination. Mr. Foster looked for change in the duties of Mr. Schneider's position since the 1992 study, but found it was minimal.

Commissioner Eastwick asked Director Greene whether this was in the scope of the Commission; could the Department conduct a study on all of the Administrative Services Officer II's; or go through the legislative process.

Director Greene stated the Department could study all the positions in the Department of Corrections; however, it would still be based on the significant change rule. Additional assignments would have to be at a higher level in order to support upward reclassification.

Chairman Enus asked if the Department of Corrections took this issue before the Legislature previously. Director Greene wasn't aware, and Mr. Schneider stated they did not.

Director Greene explained that in addition to the positions in the comparison chart, there are a number of other Administrative Services Officer II's in the Department of Corrections. A study would have to include all the positions and the agency would have to be able to fund any upward reclassifications.

Mr. Foster referred the Commission to the chart of ASO Comparisons in the Division of Mental Health & Developmental Services (MHDS) and Department of Corrections. In 1992, the size of each budget was comparable, but the MHDS positions were allocated to Administrative Services Officer III because of the greater complexity of their fiscal management due to the receipt of complicated revenues. Only half of their funding is from the General Fund with the balance coming from multiple federal grants with separate requirements, client trust funds, Medicaid, Medicare, and private insurance companies. Revenues at the Department of Corrections are relatively simple and most come from the General Fund.

Mr. Schneider thanked the Commission and summarized his statements saying that no other position is responsible for a culinary operation. He felt the Commission had already made their decision.

Commissioner Eastwick commented that he was concerned about affecting other positions if they granted the appeal.

Commissioner Fox concurred with Commissioner Eastwick saying they had a limited role and authority in terms of compensation.

Commissioner Sánchez's motion to deny the appeal was seconded by Commissioner Read and unanimously carried.

Chairman Enus asked the Department to discuss this issue again with the Department of Corrections before the next legislative session and determine whether the positions are appropriately allocated.

Director Greene stated she would discuss this with Director Whorton; however, she cautioned the Commission that there are over 100 Administrative Services Officers throughout State agencies and any decision would also affect them.

Chairman Enus stated they only wanted a discussion to occur between the departments to determine whether a study is warranted, what the fiscal impact might be, and whether funding is available.

X. Uncontested Classification Action Report
Posting Notices #01-06 and #02-06

No action required.

XI. Special Reports
Hearings Officer Recruitment – Discussion on Process

Director Greene explained that contracts for Hearings Officers in the North and South were expiring, and a recruitment notice had been widely distributed to solicit applications. A Personnel Commission Hearings Officer Committee of three individuals (Personnel Commission member, Deputy Attorney General, and Personnel-Field Services staff member) will review and rank the candidates and make recommendations to the Commission. Candidates ranked for the interview phase will be invited to the May 12, 2006, Personnel Commission meeting when the members select individuals for the State of Nevada to contract with.

Commissioner Fox stated that the summary of cases and timeliness of decisions really helped them in the past. Director Greene stated the Department would provide that information at the May 12, 2006, Personnel Commission meeting.

Commissioner Fox volunteered to serve on the Hearings Officer Committee and will travel to Carson City to review applications the week of April 17, 2006.

XII. Comments from the General Public

There were none.

XIII. Select Next Quarter Meeting Date

Director Greene stated the next meeting is already scheduled for May 12, 2006, in Carson City. They needed to schedule another meeting for the summer. The Commission selected August 11, 2006, with the location to be determined.

XIV. *Adjournment

Commissioner Eastwick's motion to adjourn the meeting at 11:02 a.m. was seconded by Commissioner Fox and unanimously carried.